

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 04CR40027FDS

United States of America

v.

Robert A. Fafard

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-5,7,8,10,11,13-17,20-32,34-39,43,50,52-55,58-59 are the originals.

6,9,12,19,33,40-42,44,46-49,51,56,57,60 are copies and can be discarded after the appeal is complete.

18&45 are SEALED documents.

and contained in Volume(s) 1 are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 9/20/06.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on 9/21/06 .

Sarah A Thornton, Clerk of Court

By: /s/ Sherry Jones
Deputy Clerk

Receipt of the documents in the above entitled
case is hereby acknowledged this date: _____.

Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

**RETURN TO: US DISTRICT COURT
595 MAIN STREET, SUITE 502
WORCESTER, MA 01608**

APPEAL, CLOSED

**United States District Court
District of Massachusetts (Worcester)
CRIMINAL DOCKET FOR CASE #: 4:04-cr-40027-FDS-ALL
Internal Use Only**

Case title: USA v. Fafard

Date Filed: 12/08/2004

Magistrate judge case number: 4:04-mj-01828-CBS

Assigned to: Judge F. Dennis
Saylor, IV

Defendant

Robert A. Fafard (1)
TERMINATED: 09/19/2006

represented by **Alan J. Black**
Alan Black, Attorney at Law
1383 Main Street
Springfield, MA 01103
413-732-5381
Fax: 413 739-0446
Email: alanblack@alblack.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Melvin Norris
Mel Norris
260 Boston Post Road
Suite 9
Wayland, MA 01778
508-358-3305
Fax: 508-358-7787
Email:
attorney.norris@verizon.net
TERMINATED: 12/09/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts**Disposition**

18:2422(b)ATTEMPTED
COERCION AND
ENTICEMENT
(1)

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 108 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 5 years. The defendant shall pay a special assessment of \$400.00.

18:2252(a)TRANSPORTATION
OF CHILD PORNOGRAPHY
(2-3)

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 108 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 5 years. The defendant shall pay a special assessment of \$400.00.

18:2252(a)(4)(B)POSSESSION
OF CHILD PORNOGRAPHY
(4)

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 108 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 5 years. The defendant shall pay a special assessment of \$400.00.

**Highest Offense Level
(Opening)**

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

08:2252(a) Knowingly transport and ship in interstate commerce a visual depiction, the producing of which involves the use of a minor engaging in sexually explicit conduct (18:2252.F)

Disposition

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 108 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 5 years. The defendant shall pay a special assessment of \$400.00.

Plaintiff

USA

represented by **David H. Hennessy**
US Attorney's Office
Donohue Federal BLDG.
595 Main Street
Worcester, MA 01608
508-368-0100
Fax: 508-756-7120
Email:
david.hennessy@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----|---|
| 11/08/2004 | •1 | MOTION to Seal Case as to Robert Fafard by USA. (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/08/2004) |
| 11/08/2004 | • | Judge Charles B. Swartwood : Electronic ORDER entered granting <u>1</u> Motion to Seal Case as to Robert Fafard (1). "ALLOWED." cc/cl (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/08/2004) |
| 11/08/2004 | •2 | SEALED COMPLAINT as to Robert Fafard (1). (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/08/2004) |
| 11/08/2004 | • | Arrest Warrant Issued as to Robert Fafard. (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/08/2004) |

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| 11/08/2004 | • 8 | AFFIDAVIT of Albert D. Lamoreaux re: <u>2</u> Complaint (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/12/2004) |
| 11/10/2004 | • | Arrest of Robert Fafard (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/10/2004) |
| 11/10/2004 | • | Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Initial Appearance as to Robert Fafard held on 11/10/2004. Case called, Counsel (Hennessy, Black), PTS Toland & Dft appear, Financial Affidavit filed, The Court Orders Atty Black appointed subject to a review by the District Judge at a later date, Order to issue, Dft notified of rights, charges & maximum penalties, Government moves for Detention & Continuance, P/C & Detention hearing set for 11/15/2004 @ 3:00 pm, Dft remanded to the custody of the US Marshal. (3:57 P.) (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/10/2004) |
| 11/10/2004 | • 3 | MOTION to Unseal Case as to Robert Fafard by USA. (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/10/2004) |
| 11/10/2004 | • | Judge Charles B. Swartwood : Electronic ORDER entered granting <u>3</u> Motion to Unseal Case as to Robert Fafard (1). "ALLOWED." cc/cl (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/10/2004) |
| 11/10/2004 | • 4 | Judge Charles B. Swartwood : CJA 20 as to Robert Fafard : Appointment of Attorney Alan J. Black for Robert Fafard. (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/10/2004) |
| 11/10/2004 | • 5 | CJA 23 Financial Affidavit by Robert Fafard (Roland, Lisa) [4:04-mj-01828-CBS] (Entered: 11/10/2004) |
| 11/10/2004 | • 6 | Judge Charles B. Swartwood : ORDER OF TEMPORARY DETENTION as to Robert Fafard; Detention Hearing set for 11/15/2004 03:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/10/2004) |
| 11/10/2004 | • 7 | Arrest Warrant Returned Executed on 11/10/04. as to Robert Fafard. (Jones, Sherry)[4:04-mj-01828-CBS] (Entered: 11/10/2004) |
| 11/15/2004 | • | Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Detention Hearing as to Robert Fafard held on 11/15/2004, Preliminary Examination as to Robert Fafard held on 11/15/2004. Case called, Counsel (Hennessy, |

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| | | Black), [4:04PTS Toland & Dft appear, Dft waives Probable Cause, The Court hears argument on detention, Dft to be released on conditions, Case continued for bond hearing. Bond Hearing set for 11/18/2004 11:00 AM in Courtroom 1 before Magistrate Judge Charles B. [4:04Swartwood, Dft to be released at that time, Dft remanded to the custody of the US Marshal. (3:29, 4:00, 4:15 P.) (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/15/2004) |
| 11/15/2004 | ⑨ | EXHIBIT/WITNESS LIST re: detention hearing as to Robert Fafard (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/16/2004) |
| 11/18/2004 | ● | Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Bond Hearing as to Robert Fafard held on 11/18/2004. Case called, Counsel (Hennessy, Norris), PTS Toland & Dft appear, The Court reviews conditions of release wit[4:04h defendant, Waiver signed by defendant, Dft released on conditions. (11:27 A.) (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/18/2004) |
| 11/18/2004 | ⑩ | Judge Charles B. Swartwood : ORDER Setting Conditions of Release (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/19/2004) |
| 11/18/2004 | ● | Unsecured Bond Entered as to Robert Fafard in amount of \$ 10,000.00, (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 11/19/2004) |
| 11/18/2004 | ⑪ | WAIVER by Robert Fafard (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 12/07/2004) |
| 11/18/2004 | ⑫ | Judge Charles B. Swartwood : CJA 20 as to Robert Fafard : Appointment of Attorney Melvin Norris for Robert Fafard for this one day ONLY. (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 12/07/2004) |
| 11/18/2004 | ● | Attorney update in case as to Robert Fafard. Attorney Melvin Norris terminated. (Roland, Lisa)[4:04-mj-01828-CBS] (Entered: 12/07/2004) |
| 12/08/2004 | ⑬ | INDICTMENT as to Robert A. Fafard (1) count(s) 1, 2-3, 4. Criminal Forfeiture. (Shattuck, Deborah) (Entered: 12/09/2004) |
| 12/09/2004 | ● | Attorney update in case as to Robert Fafard. Attorney Melvin Norris terminated. See prior Mag. case entry. (Shattuck, |

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| | | Deborah) (Entered: 12/09/2004) |
| 12/09/2004 | • | Judge F. Dennis Saylor IV: ELECTRONIC ORDER entered ORDER REFERRING CASE to Magistrate Judge Charles B. Swartwood Reason for referral: Pretrial as to Robert A. Fafard (Shattuck, Deborah) (Entered: 12/09/2004) |
| 12/15/2004 | • | Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Arraignment as to Robert A. Fafard (1) Count 1,2-3,4 held on 12/15/2004, Case called, Counsel (Hennessy, Black), PTS Toland & Dft appear, Dft informed of rights, charges and maximum penalties, Not Guilty Plea entered by Robert A. Fafard on counts 1-4, Scheduling Order issued, Dft released on prior conditions. (9:06 A.) (Roland, Lisa) (Entered: 12/15/2004) |
| 12/15/2004 | •14 | NOTICE OF HEARING as to Robert A. Fafard; Status Conference set for 1/26/2005 10:00 AM IN BOSTON, Courtroom 16 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 12/15/2004) |
| 12/15/2004 | •15 | Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Robert A. Fafard; Time excluded from December 15, 2004 until December 29, 2004, cc/cl. (Roland, Lisa) (Entered: 12/15/2004) |
| 12/15/2004 | •16 | Judge Charles B. Swartwood : SCHEDULING ORDER as to Robert A. Fafard, cc/cl. (Roland, Lisa) (Entered: 12/15/2004) |
| 12/16/2004 | •17 | MOTION to Modify Conditions of Release as to Robert A. Fafard, c/s . (Jones, Sherry) (Entered: 12/16/2004) |
| 12/17/2004 | • | Judge Charles B. Swartwood : Electronic ORDER entered granting <u>17</u> Motion to Modify Conditions of Release as to Robert A. Fafard (1). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 12/17/2004) |
| 01/12/2005 | •18 | SEALED MOTION as to Robert A. Fafardby USA. (Roland, Lisa) (Entered: 01/13/2005) |
| 01/12/2005 | • | *SEALED* Judge Charles B. Swartwood : Electronic ORDER entered granting [18] Sealed Motion as to Robert A. Fafard (1). (Roland, Lisa) (Entered: 01/13/2005) |
| 01/25/2005 | •19 | JOINT MEMORANDUM of the parties re initial status conference by Robert A. Fafard <i>Pursuant to Local Rule 116.5</i> (Hennessy, David) Additional attachment(s) added on |

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| | | 1/27/2005 (Jones, Sherry). (Entered: 01/25/2005) |
| 01/31/2005 | •20 | Judge Charles B. Swartwood : STATUS REPORT as to Robert A. Fafard ; Status Conference set for 3/4/2005 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 02/02/2005) |
| 01/31/2005 | •21 | Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Robert A. Fafard; Time excluded from December 29, 2005 until March 4, 2005, cc/cl. (Roland, Lisa) (Entered: 02/02/2005) |
| 03/04/2005 | • | Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Robert A. Fafard held on 3/4/2005. Case called, Counsel (Hennessy, Black-by telephone) appear, Counsel request additional time, Case continued, Time to be excluded. (2:00 P.) (Roland, Lisa) (Entered: 03/07/2005) |
| 03/04/2005 | •22 | Judge Charles B. Swartwood : STATUS REPORT as to Robert A. Fafard; Status Conference set for 4/5/2005 02:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 03/07/2005) |
| 03/04/2005 | •23 | Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Robert A. Fafard; Time excluded from March 4, 2005 until April 5, 2005, cc/cl. (Roland, Lisa) (Entered: 03/07/2005) |
| 04/12/2005 | • | Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Robert A. Fafard held on 4/12/2005. Case called, Counsel (Hennessy, Black-by telephone) appear, Counsel request additional time, Case continued, Time to be excluded. (1:23 P.) (Roland, Lisa) (Entered: 04/15/2005) |
| 04/13/2005 | •24 | Judge Charles B. Swartwood : STATUS REPORT as to Robert A. Fafard; Status Conference set for 6/8/2005 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 04/15/2005) |
| 04/13/2005 | •25 | Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Robert A. Fafard; Time excluded from April 5, 2005 until June 3, 3005, cc/cl. (Roland, Lisa) (Entered: 04/15/2005) |
| 05/13/2005 | •26 | ASSENTED-TO MOTION to Continue for 3 weeks from May |

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| | | 12, 2005 to file motions as to Robert A. Fafard, c/s. (Hassett, Kathy) (Entered: 05/13/2005) |
| 05/23/2005 | •27 | Judge Charles B. Swartwood : STATUS REPORT as to Robert A. Fafard; Status Conference set for 6/27/2005 02:45 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 05/25/2005) |
| 05/23/2005 | •28 | Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Robert A. Fafard; Time excluded from June 3, 2005 until June 24, 2005, cc/cl. (Roland, Lisa) (Entered: 05/25/2005) |
| 05/25/2005 | • | Judge Charles B. Swartwood : Electronic ORDER entered granting <u>26</u> Motion to Continue as to Robert A. Fafard (1). "ALLOWED. See Status Report (Docket # 27)." cc/cl (Roland, Lisa) (Entered: 05/25/2005) |
| 06/30/2005 | • | NOTICE OF RESCHEDULING as to Robert A. Fafard; Status Conference set for 7/6/2005 10:45 AM, IN BOSTON, Courtroom 16 before Magistrate Judge Charles B. Swartwood. (By Telephone)(Roland, Lisa) (Entered: 06/30/2005) |
| 07/07/2005 | • | Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Robert A. Fafard held on 7/7/2005. Case called, Counsel (Hennessy, Black) appear by telephone, Counsel request additional time, Case continued, Time to be excluded. (3:48 P.) (Roland, Lisa) (Entered: 07/07/2005) |
| 07/12/2005 | •29 | Judge Charles B. Swartwood : STATUS REPORT as to Robert A. Fafard; Status Conference set for 7/27/2005 09:45 AM, IN BOSTON, Courtroom 16 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 07/18/2005) |
| 07/12/2005 | •30 | Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Robert A. Fafard; Time excluded from June 24, 2005 until July 27, 2005, cc/cl. (Roland, Lisa) (Entered: 07/18/2005) |
| 07/27/2005 | • | Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Robert A. Fafard held on 7/27/2005. Case called, Counsel (Hennessy, Black) appear by telephone, Case to be returned to the District Judge, Final Status Report to issue. (10:02 A.) (Roland, Lisa) (Entered: 07/27/2005) |

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| 07/27/2005 | • 31 | Judge Charles B. Swartwood : FINAL STATUS REPORT as to Robert A. Fafard, cc/cl. (Roland, Lisa) (Entered: 07/28/2005) |
| 07/28/2005 | • | Case as to Robert A. Fafard no longer referred to Magistrate Judge Charles B. Swartwood. (Roland, Lisa) (Entered: 07/28/2005) |
| 08/02/2005 | • | NOTICE OF HEARING: Set Hearing as to Robert A. Fafard: Status Conference set for Thursday 9/8/2005 at 10:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 08/02/2005) |
| 08/11/2005 | • 32 | Assented to MOTION to Modify Conditions of Release as to Robert A. Fafard. (Black, Alan) (Entered: 08/11/2005) |
| 08/11/2005 | • | Judge Charles B. Swartwood : Electronic ORDER entered granting <u>32</u> Assented to Motion to Modify Conditions of Release as to Robert A. Fafard (1). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 08/11/2005) |
| 09/07/2005 | • 33 | MOTION to Continue <i>Status Conference</i> as to Robert A. Fafard. (Black, Alan) (Entered: 09/07/2005) |
| 09/07/2005 | • | Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>33</u> Motion to Continue as to Robert A. Fafard (1). (Castles, Martin) (Entered: 09/07/2005) |
| 09/07/2005 | • | Reset Hearings as to Robert A. Fafard: Status Conference reset for 9/15/2005 at 3:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 09/07/2005) |
| 09/15/2005 | • | Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Status Conference as to Robert A. Fafard held on 9/15/2005, Case called, Counsel appear for status conference, Parties inform court that case is not quite ready for trial, There are still outstanding discovery issues re: experts, Court sets trial date and further status conference: Jury Trial set for Monday 3/6/2006 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Status Conference set for Wednesday 11/2/2005 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. Parties agree to exclude time though the trial date, Court will exclude time between 9/15/05 and 11/2/05 under the speedy trial act, Order to issue.(Court Reporter Kusa-Ryll.) (Castles, Martin) (Entered: 09/15/2005) |
| 09/19/2005 | • 34 | Judge F. Dennis Saylor IV: ORDER entered. ORDER ON |

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| | | EXCLUDABLE DELAY as to Robert A. Fafard Time excluded from 9/15/05 until 11/2/05. (Castles, Martin) (Entered: 09/19/2005) |
| 09/28/2005 | 35 | Emergency MOTION to Modify Conditions of Release as to Robert A. Fafard. (Black, Alan) (Entered: 09/28/2005) |
| 09/28/2005 | 36 | Judge Charles B. Swartwood : Electronic ORDER entered granting <u>35</u> Motion to Modify Conditions of Release as to Robert A. Fafard (1). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 09/28/2005) |
| 10/19/2005 | 36 | Letter (non-motion) regarding discovery as to Robert A. Fafard (Hassett, Kathy) (Entered: 10/19/2005) |
| 10/31/2005 | 37 | Letter (non-motion) regarding discovery as to Robert A. Fafard (Hassett, Kathy) (Entered: 10/31/2005) |
| 11/02/2005 | 37 | Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Status Conference as to Robert A. Fafard held on 11/2/2005, Case called, Counsel appear for status conference (Atty. Black by Phone), Parties inform court of status of discovery and experts, Court sets further status conference, Status Conference set for 1/24/2006 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV, Court excludes time, without objection, between 11/2/05 and 1/24/06 under the speedy trial act, Order to issue. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 11/02/2005) |
| 11/03/2005 | 38 | Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Robert A. Fafard. Time excluded from 11/2/05 until 1/24/06. (Castles, Martin) (Entered: 11/03/2005) |
| 12/19/2005 | 39 | Assented to MOTION to Modify Conditions of Release as to Robert A. Fafard. (Black, Alan) (Entered: 12/19/2005) |
| 12/19/2005 | 39 | Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>39</u> Motion to Modify Conditions of Release as to Robert A. Fafard (1). (Castles, Martin) (Entered: 12/19/2005) |
| 01/12/2006 | 40 | MOTION to Continue as to Robert A. Fafard. (Black, Alan) (Entered: 01/12/2006) |
| 01/24/2006 | 41 | NOTICE re automatic disclosure pursuant to Local Rule 116.1 as to Robert A. Fafard (Hennessy, David) Additional attachment(s) added on 1/25/2006 (Jones, Sherry). (Entered: |

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| | | 01/24/2006) |
| 01/24/2006 | • | Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>40</u> Motion to Continue trial as to Robert A. Fafard (1). Jury Trial reset for Monday 6/19/2006 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 01/24/2006) |
| 01/24/2006 | • | Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Status Conference as to Robert A. Fafard held on 1/24/2006, Case called, Counsel appear for status conference (Atty. Black by phone), Court hears dft on motion to continue, Court grants motion and resets trial, Court sets further status conference, Court excludes time between 1/24/06 and 4/28/06 under the Speedy Trial Act, Jury Trial reset for Monday 6/19/2006 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Status Conference set for Friday 4/28/2006 03:00 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 01/24/2006) |
| 04/26/2006 | • 42 | NOTICE re automatic disclosure pursuant to Local Rule 116.1 as to Robert A. Fafard (Hennessy, David) Additional attachment(s) added on 4/26/2006 (Jones, Sherry). (Entered: 04/26/2006) |
| 04/27/2006 | • 43 | Assented to MOTION to Continue <i>Status</i> as to Robert A. Fafard. (Black, Alan) (Entered: 04/27/2006) |
| 04/27/2006 | • | Judge F. Dennis Saylor IV: Electronic ORDER entered granting in part <u>43</u> Motion to Continue as to Robert A. Fafard (1). The Court is unavailable on 5/4/06 at 3:00pm, The Court will set new date after talking with counsel. (Castles, Martin) (Entered: 04/27/2006) |
| 04/28/2006 | • 44 | NOTICE re automatic disclosure pursuant to Local Rule 116.1 as to Robert A. Fafard <i>Additional Automatic Discovery</i> (Hennessy, David) Additional attachment(s) added on 4/28/2006 (Jones, Sherry). (Entered: 04/28/2006) |
| 04/28/2006 | • | NOTICE OF RESCHEDULING: Reset Hearing as to Robert A. Fafard: Status Conference reset for Wednesday 5/3/2006 at 3:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 04/28/2006) |
| 05/02/2006 | • 45 | Sealed Document (Castles, Martin) Additional attachment(s) |

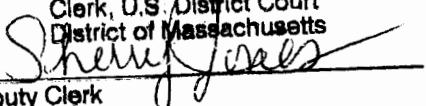
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| | | added on 5/3/2006 (Jones, Sherry). (Entered: 05/02/2006) |
| 05/03/2006 | • | Judge F. Dennis Saylor IV: Electronic ORDER entered. as to Robert A. Fafard re <u>45</u> Sealed Document. Ex-parte motion granted. (Castles, Martin) (Entered: 05/03/2006) |
| 05/03/2006 | • | ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Status Conference as to Robert A. Fafard held on 5/3/2006, Case called, Counsel appear for status conference, Court sets final pretrial conference date: Pretrial Conference set for Tuesday 6/13/2006 at 3:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. Court sets deadline for In limine motions (re:experts) for 5/30/06, Govt. responses due by 12:00pm on 6/12/06, Court sets other pretrial filing dates as follows: All other In limine motions, Proposed voir dire questions, Proposed jury instructions, Proposed verdict form, witness/exhibit lists and any trial briefs are due on 6/8/06, Oppositions to In limine motions due 6/12/06. The Court excludes the time between 4/29/06 and 6/19/06 under the speedy trial act, (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 05/03/2006) |
| 05/05/2006 | •46 | NOTICE re automatic disclosure pursuant to Local Rule 116.1 as to Robert A. Fafard (Hennessy, David) (Entered: 05/05/2006) |
| 05/05/2006 | •47 | MOTION to Appoint Expert Witness as to Robert A. Fafard. (Black, Alan) (Entered: 05/05/2006) |
| 05/05/2006 | •48 | MOTION for Production of Retained Computer Evidence and Encase Files as to Robert A. Fafard. (Black, Alan) (Entered: 05/05/2006) |
| 05/05/2006 | •49 | MOTION for Order RE: Computer Evidence/Harddrive as to Robert A. Fafard. (Black, Alan) (Entered: 05/05/2006) |
| 05/19/2006 | • | ELECTRONIC NOTICE OF HEARING as to Robert A. Fafard. Change of Plea Hearing set for Thursday 5/25/2006 at 12:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 05/19/2006) |
| 05/25/2006 | •50 | PLEA AGREEMENT as to Robert A. Fafard (Hassett, Kathy) (Entered: 05/25/2006) |
| 05/25/2006 | • | ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Change of Plea Hearing as to Robert A. Fafard held on 5/25/2006, Case called, Counsel and dft appear |

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| | | for Rule 11 Hearing, Dft changes plea of not-guilty and enters a plea of GUILTY to counts 1-4, Plea entered by Robert A. Fafard (1) Guilty Count 1,2-3,4. Sentencing set for Thursday 9/7/2006 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. Procedural order re: sentencing to issue, Dft released on prior conditions.(Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 05/25/2006) |
| 05/25/2006 | • | Motions terminated as to Robert A. Fafard: <u>47</u> MOTION to Appoint Expert <i>Witness</i> filed by Robert A. Fafard,, <u>48</u> MOTION for <i>Production of Retained Computer Evidence and Encase Files</i> filed by Robert A. Fafard,, <u>49</u> MOTION for Order <i>RE: Computer Evidence/Harddrive</i> filed by Robert A. Fafard,. Dft pleaded guilty on this date. (Castles, Martin) (Entered: 05/25/2006) |
| 05/25/2006 | •51 | Judge F. Dennis Saylor IV: ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Robert A. Fafard Sentencing set for 9/7/2006 03:00 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 05/25/2006) |
| 05/30/2006 | • | Terminate Deadlines and Hearings as to Robert A. Fafard: Jury trial and pretrial dates cancelled. Dft pleaded guilty. (Castles, Martin) (Entered: 05/30/2006) |
| 06/28/2006 | •52 | MOTION for Forfeiture of Property <i>Preliminary Order of Forfeiture</i> as to Robert A. Fafardby USA. (Attachments: # <u>1</u> Text of Proposed Order Preliminary Order of Forfeiture) (Barclay, Kristina) (Entered: 06/28/2006) |
| 08/01/2006 | • | Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>52</u> Motion for Forfeiture of Property as to Robert A. Fafard (1). (Castles, Martin) (Entered: 08/01/2006) |
| 08/01/2006 | •53 | Judge F. Dennis Saylor IV: ORDER entered. PRELIMINARY ORDER OF FORFEITURE OF PROPERTY as to Robert A. Fafard. (Jones, Sherry) (Entered: 08/01/2006) |
| 08/23/2006 | •54 | MOTION to Continue <i>Sentencing Hearing</i> as to Robert A. Fafard. (Black, Alan) (Entered: 08/23/2006) |
| 08/25/2006 | •55 | RESPONSE to Motion by USA as to Robert A. Fafard re <u>54</u> MOTION to Continue <i>Sentencing Hearing</i> (Hennessy, David) (Entered: 08/25/2006) |
| 09/05/2006 | •56 | MOTION for Downward Departure as to Robert A. Fafard. |

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| | | (Black, Alan) (Entered: 09/05/2006) |
| 09/06/2006 | • | Judge F. Dennis Saylor IV: Electronic ORDER entered denying <u>54</u> Motion to Continue as to Robert A. Fafard (1). (Castles, Martin) (Entered: 09/06/2006) |
| 09/07/2006 | •57 | SENTENCING MEMORANDUM by USA as to Robert A. Fafard (Hennessy, David) (Entered: 09/07/2006) |
| 09/07/2006 | • | Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Sentencing held on 9/7/2006 for Robert A. Fafard (1), 1, 2-3, 4, Case called, Counsel and defendant appear for sentencing, The Court sentences the defendant as follows: The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 108 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 5 years. The defendant shall pay a special assessment of \$400.00. The defendant's bail is revoked and the dft is hereby remanded to the custody of the U.S. Marshal. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 09/08/2006) |
| 09/07/2006 | • | Judge F. Dennis Saylor IV: Electronic ORDER entered denying <u>56</u> Motion for Departure as to Robert A. Fafard (1) for the reasons stated in open court this date. (Castles, Martin) (Entered: 09/08/2006) |
| 09/19/2006 | •58 | Judge F. Dennis Saylor IV: ORDER entered. JUDGMENT as to Robert A. Fafard (1), Count(s) 1, 2-3, 4, The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 108 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 5 years. The defendant shall pay a special assessment of \$400.00. (Castles, Martin) (Entered: 09/19/2006) |
| 09/19/2006 | • | Case Terminated as to Robert A. Fafard (Castles, Martin) (Entered: 09/19/2006) |
| 09/20/2006 | •59 | NOTICE OF APPEAL by Robert A. Fafard Filing fee \$ 455. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 10/10/2006. (Black, Alan) (Entered: |

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| 09/20/2006 | 60 | MOTION for Leave to Proceed In Forma Pauperis as to Robert A. Fafard. (Black, Alan) (Entered: 09/20/2006) |
| 09/20/2006 | | Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>60</u> Motion to Proceed In Forma Pauperis as to Robert A. Fafard (1). (Castles, Martin) (Entered: 09/20/2006) |

I hereby certify on 9-20-06 that the foregoing document is true and correct copy of the
 electronic docket in the captioned case
 electronically filed original filed on _____
 original filed in my office on _____

Sarah A. Thornton
Clerk, U.S. District Court
District of Massachusetts
By: 
Deputy Clerk